

1 U.S. DISTRICT JUDGE RICHARD A. JONES
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYNTHIA A. BREAZEALE,)
Plaintiff,) CIVIL NO. 2:18-cv-00667-RAJ
vs.)
COMMISSIONER OF SOCIAL SECURITY,)
Defendant)
)

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on January 10, 2019 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not

1 substantially justified, and that the itemization of attorney time spent is reasonable. In short, the
2 requirements of § 2412(d)(1)(B) are met.

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4 Having thoroughly considered the parties' briefing and the relevant record, the Court hereby
5 GRANTS the motion and awards Plaintiff \$7,056.00 in attorney's fees, subject to any offset
6 allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590 (2010).
7 Whether or not the EAJA fees are subject to any offset, payment of this award shall be made via
8 check sent to Attorney David Oliver's address: David Oliver & Associates, 2608 South 47th Street,
9 Suite C, Tacoma, WA 98409.

10 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED.

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12 DATED this 4th day of April, 2019.

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16 The Honorable Richard A. Jones
17 United States District Judge
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